

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ROBERT SHEREZ,) CIVIL. NO. 04-00390 JMS/KSC
)
Plaintiff,)
vs.) ORDER STRIKING DEFENDANTS'
) MOTIONS TO DISMISS SECOND
) AMENDED COMPLAINT
STATE OF HAWAII)
DEPARTMENT OF EDUCATION;)
PATRICIA HAMAMOTO,)
Superintendent of Hawaii Schools;)
MEREDETH MAEDA, Principal,)
Castle High School; SARA)
GRONNER OR GRONNA, Vice)
Principal of Castle High School,)
)
Defendants.)
)

**ORDER STRIKING DEFENDANTS' MOTIONS TO DISMISS
SECOND AMENDED COMPLAINT**

On November 16, 2006, Defendants Sarah Gronna and Meredith Maeda filed separate motions to dismiss Plaintiff's Second Amended Complaint (Docket Nos. 109, 110). The deadline for filing dispositive motions has passed and no motion was made to extend that deadline. The Defendants' motions are untimely and are hereby STRICKEN.

Defendants should have properly moved for an enlargement of time pursuant to Rule 6(b)(2) of the Federal Rules of Civil Procedure and Local Rule

6.2. The court will not order the period enlarged because no such request was made before the expiration of the period established in the Rule 16 Scheduling order. *See Fed. R. Civ. P. 6(b)(1).* Defendants have not established any excuse for noncompliance with the court's rules and its scheduling order. If the court were to allow unlimited filings in the manner apparently sought by Defendants, the court would not be able to maintain the orderly administration of justice and substantial resources would be wasted.

Defendants, should they wish to pursue the matters raised in their motions, will be required to file a motion seeking leave to file the motions past the deadlines established by the Rule 16 Scheduling Order.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, November 17, 2006.



J. Michael Seabright
United States District Judge

Sherez v. Dep't of Education et al., Civ. No. 04-00390 JMS/KSC, Order Striking Defendants' Motions to Dismiss Second Amended Complaint